

In the High Court of Judicature at Madras

Dated:28.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

Civil Revision Petition (PD) No.1033 of 2006
and M.P.No.1 of 2006

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1. M/s. Avnish Spinners Pvt., Ltd.,
rep. by Managing Director
Mr. D. Rajkumar.
 2. Minor Avnish
rep. by guardian and father
D. Rajkumar.
- .. Petitioners

vs.

1. Rangasamy
 2. Kandasamy
 3. Ganesan
- .. Respondents

Revision Petition filed under Article 227 of the Constitution of India against the order dated 19.01.2006 made in I.A.No.1267 of 2005 in O.S.No.303 of 2005 on the file of District Munsif, Avinashi.

For petitioner : Mr. V. Bharathidasan

ORDER

The petitioner in this revision challenges the order dated 19.01.2006 made in I.A.No.1267 of 2005 in O.S.No.303 of 2005 on the file of District Munsif, Avinashi, directing the Commissioner appointed earlier to inspect the suit property and submit a further report.

2. The learned counsel for the petitioner submitted that in view of the fact that the same Commissioner, after visiting the suit property, had already submitted a report, there is no need to direct him again to submit a further report. However, on going through the reasonings of the learned Judge and the relief sought for in the plaint and also taking note of the fact that the said order was passed

as early as on 19.01.2006 and even according to the petitioner herein, the Commissioner visited the property as directed by the Court below, I am not inclined to entertain the above revision petition. But, it is made clear that the petitioners herein / plaintiffs are free to submit their objection with regard to the second report of the Commissioner and if any such objection is made, it is for the Court below to consider the same in accordance with law.

With the above observation, this civil revision petition is dismissed at the admission stage itself. No costs. Connected CMP., is also dismissed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

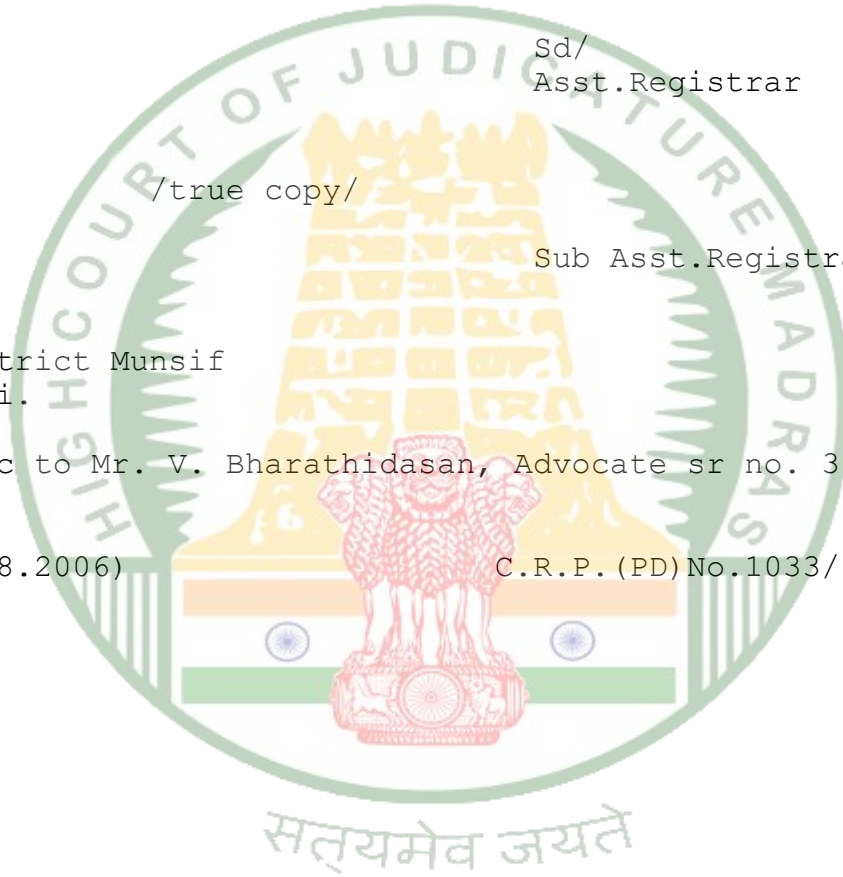
The District Munsif
Avinashi.

+ one cc to Mr. V. Bharathidasan, Advocate sr no. 33650

KM(CO)

NM(30.08.2006)

C.R.P. (PD) No.1033/06



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